

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 93-  
Table of Allotments, ) RM-  
FM Broadcast Stations )  
(Chester, Virginia) )

TO: The Secretary

PETITION FOR RULEMAKING

On behalf of Hoffman Communications, Inc. ("Petitioner"), licensee of WDYL(FM), Chester, Virginia, we hereby request the amendment of FCC Rule § 73.202(b) to substitute Channel 289A for Channel 226A at Chester, Virginia, and to modify the license of WDYL(FM) to specify operation on Channel 289A. This proposal will serve the public interest by permitting WDYL to operate as a 6.0 kw Class A facility, whereas its current authorization for Channel 226A permits operation at 3.0 kw only.

Although WDYL currently operates on Channel 221A in Chester, Virginia, it was ordered to Channel 226A in MM Docket No. 90-67, for which a construction permit is currently outstanding, FCC File No. BPH-920814IF. See First Report and Order in MM Docket No. 90-67, 6 F.C.C. Rcd. 4917 (Chief, Allocations Branch, 1991). As detailed in the enclosed Technical Exhibit prepared by Bromo Communications, grant of this proposal will avoid a 20.5% reduction in service to more than 100,000 persons that would otherwise result from WDYL's move from Channel 221A to Channel 226A.

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By contrast, grant of this proposal will result in an increase of service to 131,825 persons over WDYL's current authorization on Channel 221A, which would thereby serve the public interest.

Accordingly, for the foregoing reasons, we hereby request the Commission to issue a Notice of Proposed Rulemaking, proposing substitution of Channel 289A for Channel 226A at Chester, Virginia, and the modification of the license of WDYL(FM) to specify operation on Channel 289A.

Respectfully submitted,

HOFFMAN COMMUNICATIONS, INC.

By:



David M. Silverman

COLE, RAYWID & BRAVERMAN  
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Suite 200  
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(202) 659-9750

Its Attorneys

November 5, 1993

PETITION FOR RULE MAKING  
HOFFMAN COMMUNICATIONS, INC.  
WDYL RADIO STATION  
SUBSTITUTE CHANNEL 289A FOR 226A  
CHESTER, VIRGINIA  
November 1993

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box 21760 - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

PETITION FOR RULE MAKING  
HOFFMAN COMMUNICATIONS, INC.  
WDYL RADIO STATION  
SUBSTITUTE CHANNEL 289A FOR 226A  
CHESTER, VIRGINIA  
November 1993

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Hoffman Communications, Inc. ("Hoffman"), licensee of station WDYL, Channel 221A, Chester, Virginia. WDYL was ordered to Channel 226A in MM Docket #90-67. A construction permit for WDYL has been issued on Channel 226A, BPH-920814IF. 1 Hoffman requests that §73.202(b) of the Commission's rules be amended by substituting Channel 289A for Channel 226A at Chester, Virginia, and that WDYL be ordered to change channels.

DISCUSSION

2. At the site specified in BMPH-930625IF, WDYL is being relocated 8.82 kilometers away from its present licensed site (on Channel 221A). This relocation is necessary due to shortages toward two first adjacent Class B

1) A modification of permit has also been filed requesting a minor relocation of site to obtain necessary County approvals, file #BMPH-930625IF.

stations WFLS-FM, Fredericksburg, Virginia, and WFOG, Suffolk, Virginia. Channel 226A was allocated to Chester, Virginia, under former §73.207 spacing requirements which allowed only 3.0 kilowatt Class A facilities. WDYL has availed itself of §73.213(c)(1) spacing regulations towards WFLS-FM and WFOG. 2 This relocation will, however, remove 1.0 mV/m service from Richmond, Virginia, thereby reducing WDYL's population served from 542,158 persons to 431,028, a 20.5% reduction in service.

3. While Hoffman had consented to the channel change in Docket #90-67, it was not until a search for transmitter sites was undertaken that the actual negative impact to WDYL came to light. While Hoffman does not wish to adversely delay the upgrade for station WCDX, as ordered in Docket #90-67, it does, however, request that WDYL move from Channel 221A to Channel 289A without initiating service on Channel 226A due to the loss of service to Richmond. Channel 289A can be allotted just 2.59 kilometers northwest of the present

2) Hoffman had hoped that Channel 226A could be operated either at its existing licensed site under §73.215 of the Commission's rules, or relocated 1.77 kilometers south of its present site to avoid shortspacing WFLS-FM, thus minimizing the impact of the channel change. Neither of these alternatives was feasible. In order to obtain Federal Aviation Administration and local approval for the tower, WDYL has had to relocate 8.8 kilometers from its licensed site.

licensed WDYL site. <sup>3</sup> A relocation in a northwesterly direction would minimize the potential loss of service to Richmond. <sup>4</sup> Further, Channel 289A can be operated as a 6.0 kilowatt Class A facility, while Channel 226A, operating as a 6.0 kilowatt facility, would require a still further site restriction from both Chester and Richmond.

#### PROPOSAL

4. Channel 289A can be allotted to Chester, Virginia, at reference coordinates North Latitude 37° 23' 11" and West Longitude 77° 28' 26". This represents a site restriction of 4.2 kilometers northwest of the community to avoid shortspacing WRSF, Channel 289C1, Columbia, North Carolina. From the reference site, Channel 289A can provide a 3.16 mV/m contour over Chester. Exhibit #1 is a usable area for Channel 289A at Chester, Virginia. Exhibit #2 is a \$73.207

- 3) Channel 289A was not available for allotment to Chester, Virginia during the pendency of MM Docket # 90-67. During that time, station WRSF, Columbia, North Carolina, had an outstanding permit on Channel 289C at Columbia, which precluded the allotment of Channel 289A. The WRSF permit was cancelled and the Columbia, South Carolina, channel was downgraded to Class C1.
- 4) It should be noted that service on Channel 289A can be implemented from the present WDYL licensed site under \$73.215. At the licensed site, WDYL could operate with 3.4 kilowatts (nondirectionally) at 100 meters HAAT.

spacing study from the proposed allocation site which demonstrates that Channel 289A is clear of all other licensed, applied for or proposed facilities.

5. Hoffman, therefore, requests that the following changes be made to the Commissions Table of FM Allotments:

Chester, Virginia

Present

226A

Proposed

289A

PUBLIC INTEREST ASPECTS

6. The allotment of Channel 289A will allow Hoffman to upgrade WDYL to a 6.0 kilowatt Class A facility at Chester, Virginia, without the imposition of an excessive site restriction, which, in turn, would cause a reduction in service presently provided by WDYL. A maximum Class A facility at Chester would provide service to 673,983 persons.

5 This is an increase of 131,825 persons over its present

5) Based on the Channel 289A reference site.

licensed facility. Further, service to the Richmond area will be maintained (as compared to the present licensed facility of WDYL) or enhanced with this channel substitution. No loss of service would result, unlike that which would occur if WDYL were to implement service on Channel 226A as either a 3.0 kilowatt or 6.0 kilowatt Class A facility.

7. Once Channel 289A is allotted to Chester, Virginia, Hoffman will file, on a timely basis, an application to make minor changes in the facilities of WDYL to specify operation on Channel 289A. <sup>6</sup> Upon a grant of that application, Hoffman would expeditiously build the authorized WDYL on Channel 289A.

8. The foregoing technical statement and exhibits were prepared on behalf of Hoffman Communications, Inc., by Bromo Communications, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we welcome the opportunity to discuss the matter by phone at (912) 638-5608. All data

6) Channel 226A could remain allotted to Chester to accommodate any other expressions of interest.

information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we welcome the opportunity to discuss the matter by phone at (912) 638-5608. All data relating to FM allotments and facilities was extracted from the NTIA database, as updated on September 29, 1993. We assume no liability for errors or omissions in that database which may be contrary to the requests proposed herein.



ALLOCATION STUDY FOR CHESTER, VIRGINIA  
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
37 23 11 N	Current rules spacings	DATA 09-29-93
77 28 26 W	CHANNEL 289 -105.7 MHz	SEARCH 11-01-93

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD289	289A	Chester	VA	0.0	0.00	115.0	-115.00*
AD	37 23 11	77 28 26	0.000 kW	OM	0.0	124.3	
<i>Petition for Rule Making Hoffman Communications, Inc,</i>							
WRSF	289C1	Columbia	NC	146.2	200.00	200.0	0.00
LI CN	35 53 18	76 13 50	100.000 kW	187M	124.3	124.3	
Jones, Eastern of the Outer Banks BLH-840316AA							
ALOPEN	288A	Lawrenceville	VA	206.2	78.39	72.0	6.39
AL N	36 45 10	77 51 49	0.000 kW	OM	48.7	44.8	
>Effective 1-15-93-Reserved for WHFD per MM Docket #92-128							
WRARFM	288A	Tappahannock	VA	50.6	85.31	72.0	13.31
LI CN	37 52 27	76 43 37	6.000 kW	100M	53.0	44.8	
Rappahannock Communications BLH-910812KA							
WLSA	288A	Louisa	VA	326.0	85.77	72.0	13.77
LI CN	38 01 37	78 01 05	3.300 kW	91M	53.3	44.8	
Mid-Virginia Broadcasting BMLH-891222KE							
WSHV.C	288A	South Hill	VA	220.6	93.92	72.0	21.92
OP CN	36 44 39	78 09 42	4.500 kW	98M	58.4	44.8	
Old Belt Broadcasting Corp BPH-9006011A							
>To Channel 255A per MM Docket #92-128							
WSHV	288A	South Hill	VA	220.6	93.92	72.0	21.92
LI CN	36 44 39	78 09 42	3.000 kW	100M	58.4	44.8	
Old Belt Broadcasting Corp BLH-890213KE							
>To Channel 255A per MM Docket #92-128							

ALLOCATION STUDY CHANNEL 289A

**EXHIBIT #2**  
**PETITION FOR RULE MAKING**  
**HOFFMAN COMM., INC.**  
**SUB CH 289A FOR 226A**  
**CHESTER, VIRGINIA**

November 1993

**BROMO**  
**COMMUNICATIONS**

St Simons Island, Georgia

BROADCAST  
TECHNICAL CONSULTANTS

Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

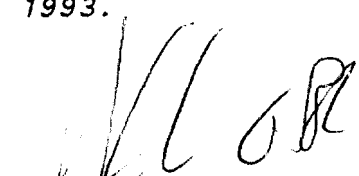
State of Georgia       )  
St. Simons Island    )  
County of Glynn       )                   ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Hoffman Communications, Inc., licensee of Radio Station WDYL, to prepare the attached Technical Exhibit.

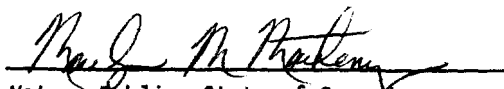
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of November, 1993.

  
\_\_\_\_\_  
Jefferson G. Brock  
Affiant

Sworn to and subscribed before  
me this the 1st day of November, 1993.

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 8, 1995